

FACTSHEET

TITLE: **COMPREHENSIVE PLAN AMENDMENT NO. 03018**, by the Director of Planning, at the request of Andermatt, L.L.C. and Eiger Corporation, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change approximately 44 acres from Urban Residential to Commercial, north of Highway 2 and east of S. 91st Street in the Land Use Plan and the Southeast Lincoln/Highway 2 Subarea Plan; and amend text accordingly.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/21/03
Administrative Action: 05/21/03

RECOMMENDATION: **Denial** (6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting 'yes'; Bills-Strand and Krieser absent).

STAFF RECOMMENDATION: Approval.

FINDINGS OF FACT:

1. The staff recommendation to approve this request is based upon the "Status/Description", "Comprehensive Plan Implications" and "Conclusion" as set forth in the staff report on p.2-4, concluding, in part, that the proposal (a) retains the previously agreed-upon trip limitation (i.e., "P.M. Peak Hour Net Commercial Vehicle Trips) for the planned Regional Center; (b) allows for greater flexibility of design in the applicant's already-approved development for a planned "Regional Center" site; (c) retains a substantial residential component to the east of the 44-acre site along 98th Street, and thus checks the extension of commercial uses to 98th Street; (d) does not impact existing residential uses in the surrounding area; (e) extends the open green-space buffer along Nebraska Highway 2 where commercial uses are being proposed; and (f) maintains the applicant's commitment to the goals and principles contained in the Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan.
2. The applicant's testimony is found on p.6-7, indicating that the purpose of this proposal is to shift already approved uses around on the property to provide additional flexibility to the market. There are six conditions of approval being added to the text of the Comprehensive Plan (See #3 on p.5).
3. Testimony in opposition is found on p.7-8, and the record consists of one letter in opposition from the Country Meadows Homeowners Association (p.14-15). The issues of the opposition include "predictability" (this proposed amendment is a significant change and there is a significant impact on the residential uses); non-identification of the specific uses; and deviation from the Subarea Plan.
4. The applicant's response to the opposition is found on p.8, suggesting that there will be opportunity to work with the neighbors in the future during the use permit process.
5. On May 21, 2003, the Planning Commission disagreed with the staff recommendation and voted 6-0 to recommend **denial**.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 23, 2003

REVIEWED BY: _____

DATE: June 23, 2003

REFERENCE NUMBER: FS\CC\2003\CPA.03018

2003 COMPREHENSIVE PLAN ANNUAL REVIEW

Comprehensive Plan Amendment No. 03018
S. 91st Street and Highway 2
Prairie Lakes Plaza

Applicant	Location	Proposal
Andermatt, L.L.C. and Eiger Corporation	Generally the northwest corner of the intersection of South 91 st and Nebraska Highway 2	Designate approximately 44 acres of land as “Commercial” on the City-County Land Use Plan in the Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan, and amend text accordingly with conditions.
Recommendation: Approval		

Status/Description

The applicant is proposing to amend the City-County Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan to show approximately 44 acres of “Commercial” development on land situated on the northeast corner of South 91st Street and Nebraska Highway 2. This amendment would generally include:

1. Amending the “Land Use Plan” of the City-County Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan to show “Commercial” land uses on the proposed site, along with a 200 ft. buffer zone of “Parks and Open Space” along Highway 2.
2. Amending the text of the City-County Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan to describe the overall conditions of the amendment.

The site proposed by the applicant is currently designated in the Comprehensive Plan and Southeast Lincoln/Highway 2 Subarea Plan as “Urban Residential.” A portion of the site is also noted for special treatment as a “Special Residential Use.” The site extends from South 91st Street on the west for a distance of between 400 and 1400 feet to the east, and from a proposed lake on the north to Nebraska Highway 2 on the south. A 125,000 sq. ft. medical facility immediate to the north of the lake was previously approved and constructed under a “Special Permit” within a residentially zoned (i.e., R-3) district. The applicant’s proposed site is presently zoned “AG” (Agricultural) and is undeveloped. The site is outside the present Lincoln City limits. It is located to the northwest of the unincorporated village of Cheney which is located across Nebraska Highway 2 from the site.

A major “mixed use Regional Center” -- a.k.a., Prairie Lakes Plaza -- is planned for development immediately to the west of the site across South 91st Street. This Center is shown in the Comprehensive Plan as one of three developing “Regional Centers.” The Center lies at the extreme southeast corner of the proposed year 2025 “Future Service Area” for the City of Lincoln. Development of this Center has already begun with several large retail establishments recently opening. Total projected development for the Center is approximately 1.9 million square feet of retail, office, and service uses. Approximately 122 acres of the planned Regional Center site has been zoned B-5 and has an approved Use Permit for 950,983square feet of commercial development.

Under the conditions of a Annexation and Zoning Agreement approved in November 2001, a vehicular “trip cap” was placed on the “Regional Center.” The purpose of this “trip cap” was to designate a threshold on the traffic impact on the surrounding street and highway system resulting from future development of the site. The Annexation and Zoning Agreement between the City and the property owners limits the number of “net commercial vehicular trips” to a total of 5,283 trips during the “P.M. Peak Hour.” This trip generation figure was further split between the area to the north (4,044 trips) and south of Highway 2 (1,239 trip.)

Comprehensive Plan Implications

The Comprehensive Plan defines “Commerce Centers” as “areas containing a mix of retail, office, services, and residential uses, with some light manufacturing and warehousing in selected circumstances.” Three levels of commerce centers are called for in the Plan:

Regional Centers - These is the largest center designation with development of a million or more square feet of commercial and other uses possible. Regional Centers are expected to have a blend of commercial and other compatible land uses.

Community Centers - These are middle size centers -- new community centers will vary in size from 300,000 to 500,000 square feet in development. Such centers serve a small geographic subarea within the marketplace. While they should retain a mixed use character, they tend to be dominated by retail and service activities.

Neighborhood Centers - These are the smallest of the three centers, typically ranging in size from 150,000 to 250,000 sq. ft. These centers provide services and retail good oriented to the neighborhood level.

Within the Comprehensive Plan, specific sites for these various centers are oftentimes indicated in the text and on accompanying maps. The site at approximately South 91st and Highway 2 is specifically designated as a “Regional Center” on the “Existing and Proposed Commere Centers” map and is shown as “Commercial” (i.e., colored red) on the Plan’s “Land Use Plan” map. The applicant’s proposal is intended to expand the geographic area of this designated “Regional Centers” by approximately 44 acres on a tract of land immediately to the adjacent to site to the east across South 91st Street.

The Comprehensive Plan contains numerous strategies and guiding principles governing the siting, size, and character of commerce centers. A main strategy directive of the Plan is as follows:

“...(1) the approach is designed to provide **flexibility** to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of **predictability** as to where such employment might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.”

Clearly the balancing of the “flexibility” and “predictability” mentioned in the Plan is at the core of this requested amendment.

Much of the community dialogue regarding this site as a commercial center can be traced to the previous City-County Comprehensive Plan, adopted in 1994. This Comprehensive Plan first designated this general location as a site for a major commercial development.

Subsequent to the approval of the 1994 City-County Comprehensive Plan, a separate “Subarea Plan” was crafted for the southeast area of Lincoln. A key planning component in formulating this Subarea Plan was the significant traffic impact this Regional Center would have on Nebraska Highway 2 and the surrounding street system.

This condition drew particular attention to the need to balance the desire for commercial development in this quadrant of the community with the ability of the street network to accommodate the resulting traffic. The Subarea Plan included – along with many other land use, environmental, and other infrastructure objectives – a clear recognition of the need to manage commercial development within the southeast Lincoln area, and most specifically along the Nebraska Highway 2 corridor.

The Southeast Lincoln/Highway 2 Subarea Plan was adopted in early 2001. The Southeast Lincoln/Highway 2 Subarea Plan was later used in formulating the current City-County Comprehensive Plan and was incorporated as an official subarea plan when Plan was adopted in May, 2002.

The Southeast Lincoln/Highway 2 Subarea Plan was also part of the background information used to prepare the “Conditional Annexation and Zoning Agreement for S. 84th and Highway 2.” This Agreement -- adopted in November of 2001 -- spells out the conditions for annexing this commercial site into the City of Lincoln and for zoning of a portion of the site as a B-5 District.

Within the Annexation and Zoning Agreement are agreed-to limitations concerning the number of trips that could be generated from the site during the evening peak period. As noted earlier in this staff report, the Agreement places a “trip cap” of 5,283 “P.M. Peak Hour Net Commercial Vehicle Trips.”

As part of the applicant’s request for this Comprehensive Plan amendment, they have acknowledged this vehicle trip limitation and agree that it should be retained as part of the conditions of the site’s continuing development. The proposed expansion of the commercial designation in the Comprehensive Plan -- that is, the redesignation of the 44 acre site as “Commercial” and “Green Space” rather than “Urban Residential” -- would need to occur under the P.M. trip ceiling specified in the Annexation and Zoning Agreement.

Conclusion

While emphasized throughout the Comprehensive Plan, the very strong link between land use and transportation is underscored in the “Business and Commerce” chapter of the adopted Plan. The Comprehensive Plan notes that commercial sites such as this Regional Center must be “...supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.”

Throughout the planning process surrounding this Regional Center’s development, care has been taken to balance commercial development needs with the capacity of the public infrastructure -- most notably the street system -- to support its continued growth. The applicant’s Comprehensive Plan proposal recognizes this connection.

The proposed expansion of the Center to the east across 91st Street does modify the land use layout of the site by introducing further commercial development to this area -- although the Heart Hospital north of the lake has already set some precedent for this expansion. In written materials submitted to the Planning Department, the applicant has noted that the proposed commercial parcel to the north of Andermatt Drive would be developed as a small-scale office complex. The intended use for the remaining approximately 40 acres of proposed commercial development is unspecified in the application.

Taken on balance, the applicant’s proposal: (a) retains the previously agreed-to trip limitation (i.e., “P.M. Peak Hour Net Commercial Vehicle Trips”) for the planned Regional Center; (b) allows for greater flexibility of design in the applicant’s already-approved development for a planned “Regional Center” site; (c) retains a substantial residential component to the east of the 44-acre site along 98th street, and thus checks the extension of commercial uses to 98th Street; (d) does not impact existing residential uses in the surrounding area; (e) extends the open green-space buffer along Nebraska Highway 2 where commercial uses are being proposed; and (f) maintains the applicant’s commitment to the goals and principles contained in the Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan.

Amend the Comprehensive Plan as follows:

- 1) Amend the “Lincoln/Lancaster County Land Use Plan” (figures on pages F23 and F25) in the Comprehensive Plan and “Figure 2, Southeast Lincoln/Highway 2 Subarea Plan” map in the Southeast Lincoln/Highway 2 Subarea Plan as shown on the accompanying map to include approximately 44 acres of “Commercial” development.
- 2) Amend the “Lincoln/Lancaster County Land Use Plan” maps in the Comprehensive Plan and “Figure 2, Southeast Lincoln/Highway 2 Subarea Plan” map in the Southeast Lincoln/Highway 2 Subarea Plan as shown on the accompanying map to extend the “Parks and Open Space” designation along Highway 2 from South 91st Street to the edge of the to-be-designated “Commercial” land use.
- 3) Amend the “Future: Business and Commerce” section of the Comprehensive Plan dealing with “Regional Centers (R): Developing Centers: S. 84th and Highway 2” to include the following text:

S. 84th and Highway 2 -- Comprehensive Plan Amendment No. 03018 redesignated the future land use on a 44 acre tract of land located on the northeast corner of 91st Street and Highway 2. The Amendment changes the intended uses on this tract from “urban residential” to “commercial,” and extends the “parks and open space” buffer along Highway 2. This Plan amendment is meant to provide greater market and design flexibility in the development of the previously approved planned mixed use regional center on this site. This redesignation of land uses on the 44 acre tract is made under the following conditions: (1) the “P.M. peak hour trip cap” contained in the approved Annexation and Zoning Agreement for the Regional Center site remains unchanged (which recognizes the severe capacity limitation along the Highway 2 travel corridor and the community’s desire to promote this corridor as a “desirable entryway” into the city); (2) the commitment to the pedestrian/biker trail along this site remains in place; (3) development of this area will respect the site’s natural and environmental features; (4) elimination of the “Special Residential Use” condition on this site and the elimination of the “Transitional Use” designation on the northwest corner of the intersection of 91st and Highway 2; (5) the development remains committed to a mix of commercial and residential uses as part of a cohesive activity center; and, (6) retention of all other goals and conditions of the “Southeast Lincoln/Highway 2 Subarea Plan.”

- 4) Amend page 9 of the Southeast Lincoln/Highway 2 Subarea Plan as part of the listing of “important land use decisions” to include the following text:

Clarify the appropriate size and type of uses in the Center at 84th & Highway 2:

This subarea plan designates the area from approximately 91st to 98th for predominately residential uses, while including a 44 acre tract for a mix of commercial uses at the northeast corner of 91st and Highway 2. The overall site includes along with a regional center with approximately 1.9 million SF of commercial space — larger than the present Gateway Westfield shopping center. The plan encourages the planned center at 84th and Highway 2 to develop with a mix of uses, including residential and appropriate transitions to existing residential areas.

COMPREHENSIVE PLAN AMENDMENT NO. 03018

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 21, 2003

Members present: Carlson, Larson, Duvall, Taylor, Steward and Schwinn; Krieser and Bills-Strand absent.

Staff recommendation: Denial.

Kent Morgan, Assistant Director of Planning, submitted a minor correction to the staff report. What was referred to as a 300' buffer zone of Parks and Open Space along Highway 2 should be corrected to be a 200' buffer.

Proponents

1. DaNay Kalkowski appeared on behalf of the applicants and did a recap of the history of the site for the regional center at 84th and Hwy 2. This was first approved as a regional commercial center in the 1994 Comprehensive Plan, showing the entire area between 84th and 98th, north and south of Hwy 2, as commercial. The approval was subject to Exhibit E, which required that the subarea study needed to be completed before any zoning took place. The subarea plan was approved in 1992. The transportation impact was a very, very big issue. The subarea plan provides for a mixed use commercial center of approximately 1.9 million sq. ft. at 84th and Hwy 2, with the area between 84th and 91st designated as commercial. There is also a designated green open space buffer strip along Hwy 2 adjacent to the commercial area. The area east of 91st all the way north and south of the lake was designated as urban residential. with the area just east of 91st and south of the lake being shown as special residential designation.

Kalkowski further noted that in November of 2001, the city approved the annexation agreement for 84th and Highway 2, which sets out the master plan for infrastructure. The agreement identifies specifically the road improvements needed to handle the commercial traffic. Most importantly, the annexation agreement contains a cap on the number of vehicle trips that could be generated by the regional center.

Kalkowski explained that this proposal is to amend the plan and the subarea plan land use maps to extend the mixed use regional center commercial designation east of 91st street basically south of the lake and north of Hwy 2. This proposal would also extend the green space along Hwy 2 as it abuts the commercial addition. This would add 40 acres of commercial area to the regional center east of 91st, but would also maintain a significant amount of urban residential designation that exists today. The southern portion of the commercial area is separated from the residential property by a natural ridge line that starts at Hwy 2. While the amendment adds commercial to the regional center, the applicants are proposing to retain the peak hour trip cap in the annexation agreement. Although the commercial center is increasing in size, the traffic generated by its uses is subject to the same cap that the annexation agreement imposes.

The purpose of this proposal is to shift already approved uses around on the property to provide additional flexibility to the market. The area will continue to be master planned. The Planning Department has recommended approval, with the addition of text containing six conditions of approval and the applicant is in agreement.

Kalkowski acknowledged that this amendment does result in placement of a commercial area directly abutting the lake north of Andermatt Drive extended east of 91st. The applicants are willing to have an additional condition that that area be used only as residential or office to address concerns of abutting neighbors and the Heart Hospital.

Kalkowski advised that they did meet with neighborhood on May 6th.

Kalkowski further noted that this amendment retains the trip cap; allows for greater flexibility in design; retains a substantial residential component; does not impact existing residential uses; extends the open green space buffer along Hwy 2; and maintains commitment to the goals and principles set out in the Comprehensive Plan and the subarea plan.

Opposition

1. Tim O'Neill appeared on behalf of **Heritage Lakes, L.L.C.**, the neighbor to this development, in opposition. One of the issues is predictability. There is a balance of flexibility which they appreciate and understand, but predictability is also an important goal of the Comprehensive Plan. Heritage Lakes has invested over 5 million dollars based on a Comprehensive Plan and a subarea plan which indicated that it would be a urban residential use east of 91st Street. This proposed amendment is a significant change and there is a significant impact on the residential. The Heart Hospital is in this area of residential, a classic example where when we work together it can work well. But what you are seeing now is a pattern of residential area going to commercial and he does not believe it will stop here. This gives them a blank check. There are no proposed uses. We don't know what is going to go on. We have home owners that bought lots here based on the Comprehensive Plan and we need to hold those promises to them.

Heritage Lakes is not opposed to working with developers on a case-by-case basis. But here, we don't have any idea what's going on and it could be anything. Now is the time to address specifically what will be located here. Heritage Lakes wants to work with the developers but we don't want to give them a blank check. When the developer has a specific use, Heritage Lakes would want to work with them. There are a lot of people buying homes out there now and they need some predictability for this area.

2. Dr. Boon, retired Lincoln physician, who currently has a home under construction in Heritage Lakes, testified in opposition. When he considered purchasing his lot back in September of 2002, he was aware of the extensive commercial development underway. It concerned him. He was concerned about the traffic, noise, light pollution, litter and aesthetics. He was also concerned about the boundaries. But, he was told by the representative of the builder that all of the area being developed by Heritage Builders and the land south of the lake was designated urban residential. We were also told that the land to the south of the lake was owned by Heritage Builders and Andermatt, the purpose of the joint ownership being to keep commercial development out of the designated urban residential area. Therefore, Dr. Boon felt the area would be protected from commercial development within its boundaries. He purchased his property based on trust. He does not support this proposal. Placing commercial development within the boundaries of designated urban residential will not enhance the environment of families living in Heritage Lakes.

Dr. Boon stated that he is also representing the McCrackens in opposition. They have a young family and they were told that this would be a family/neighborhood lake and now we're talking about sticking commercial property down along the lake. The green space in this area should be increased rather than reduced.

3. Troy Shreve, business owner in Lincoln, testified in opposition. He purchased a lot at Heritage Lakes. When he purchased the lot he was assured it would be urban residential. He has five children and plans to build a home and he would prefer there be no commercial designation abutting the south side of the lake.

4. Steve Fulton, 440 Lakewood Drive, testified in opposition. He is a builder in that area with a house under construction. He was attracted to this area because it is a unique subdivision because the developer spent a lot of money in green space and water features, with the trees, rocks, berms, etc. He is not opposed to the commercial development that would go along Hwy 2. The finger that comes down towards the lake creates two problems: it cuts off the potential residential at Heritage Lakes to the east and if developed commercial, there will be children coming down here to go to the water. What are we going to do in terms of safety? You would not have the access if it were a residential situation as opposed to commercial.

5. Mike May, 9400 Holdrege, is one of the builders in Heritage Lakes. He believes the south side of the lake should remain urban residential. He believes it would hurt the positive part of the lake if there is commercial coming down to the water's edge.

6. Sara Greisen testified in opposition. She purchased a lot at Heritage Lakes with the understanding that it would be residential south of the lake and she is strongly opposed to any commercial designation. She agreed with Dr. Boon's testimony.

Response by the Applicant

Kalkowski rebutted, stating that the developers do not look at the fact of extending the commercial designation as a "blank check". This area would be a part of the mixed use regional center. The zoning would require a use permit showing the uses and buffering. The Heart Hospital came in under a special permit and at that time the neighbors were able to get some of their concerns addressed. Kalkowski suggested that there would be additional opportunity in the future at the use permit stage to work with the neighbors' concerns. Kalkowski pledged to continue to work with the neighbors.

Kalkowski further pointed out that Andermatt Drive comes into the development on the west. The only area of commercial that would abut the lake would be a north piece, which is where the developers have agreed to place a covenant and additional conditions in the subarea plan that that area will be used as residential or office (R-T in nature). The area directly south of the lake will be left as urban residential. This amendment has been requested because there is a national developer interested in locating in the regional center on the east side of 91st street down toward the south area. The intent is to provide the greatest amount of flexibility for the users that come to town. The developer commits to master plan the infrastructure.

Carlson inquired as to how much is built on the existing site. Kalkowski stated that none of the area to the north has been use permitted yet. The Menards, Walmart and abutting pad sites are the only ones that have use permits now.

COMPREHENSIVE PLAN AMENDMENT NO. 03018 **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

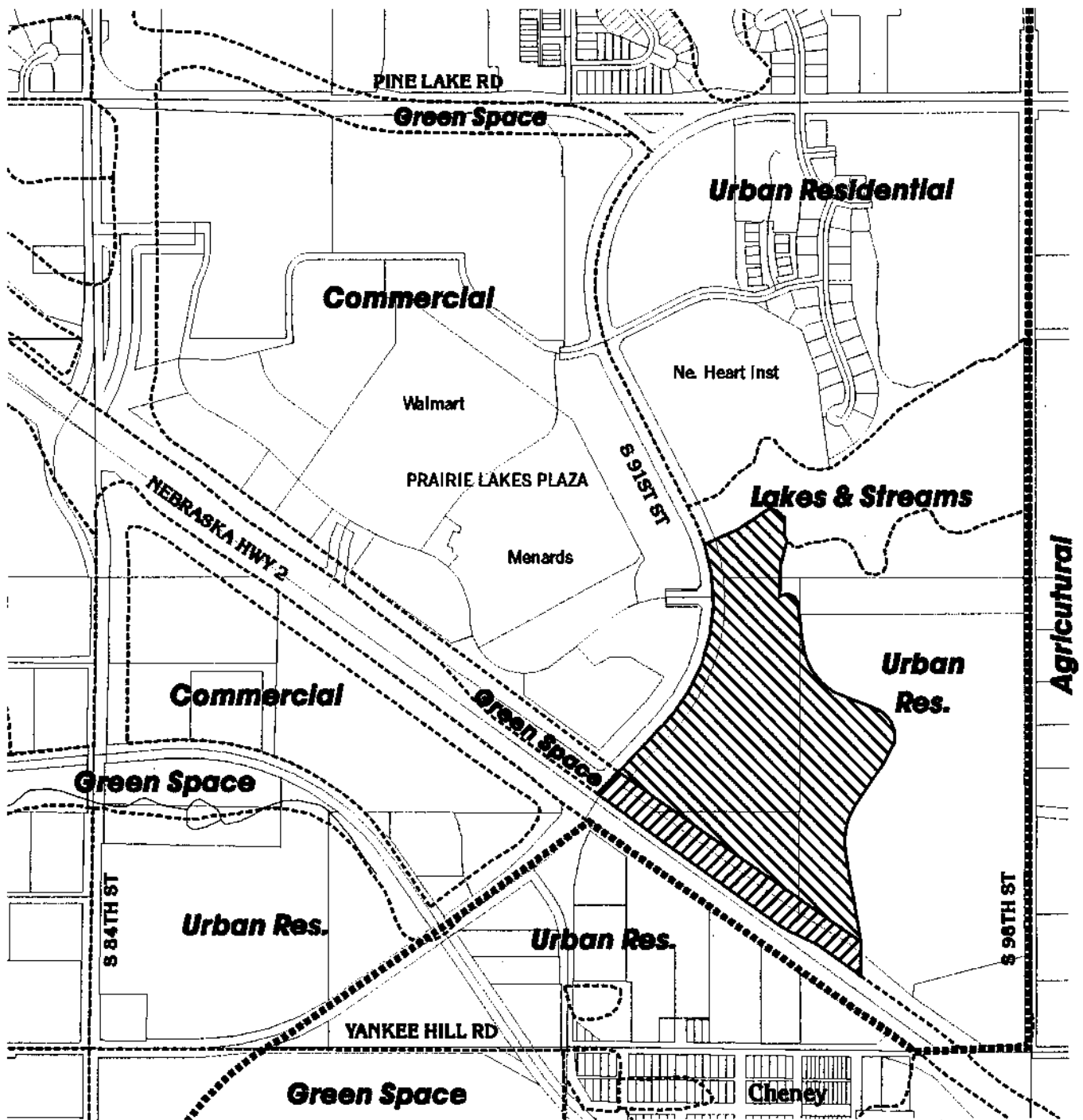
May 21, 2003

Steward moved to deny, seconded by Carlson.

Steward believes this is a change to the subarea plan. He believes the residents demonstrated their concerns and he believes their concerns are appropriate. As far as the parcel left as urban residential, he can just imagine another appeal to change it to commercial opportunities. He believes this represents creeping commercial designation along Hwy 2 and he is not in favor.





Schwinn believes the Commission would like to see more detail before making a change like this and he believes we need to stay consistent with the subarea plan.

Motion to deny carried 6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting 'yes'; Krieser and Bills-Strand absent.



S 91st & Highway 2

Comprehensive Plan Proposed Amendment #18

-  Future Service Limit
-  Land Use Boundary
- Res** Land Use Category
-  From Urban Res to Commercial
-  From Urban Res to Green Space



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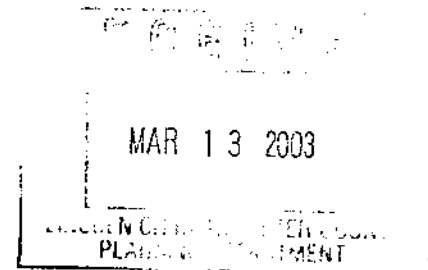
COPY FOR YOUR INFORMATION

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March 13, 2003

Marvin Krout
Planning Director
County-City Building
555 South 10th
Lincoln, NE 68508



RE: Proposed Comprehensive Plan Amendment for an Area East of S. 91st Street and North of Highway 2

Dear Marvin:

Our law firm represents Andermatt, L.L.C. ("Andermatt") and Eiger Corp. ("Eiger"). Eiger is the developer of property owned by Andermatt in the 84th and Highway 2 vicinity. Andermatt and Heritage Builders, L.L.C. are the owners of approximately 44 acres of property located directly east of S. 91st Street, north of Highway 2, and south of the lake, which is more particularly described on the legal description enclosed herein. We appreciate the valuable input you and your staff have provided throughout the course of meetings we have had over the past weeks to discuss Andermatt and Eiger's Comprehensive Plan amendment. The following request is the result of those discussions.

Answer 1: On behalf of Andermatt and Eiger, we hereby request that the City of Lincoln-Lancaster County Comprehensive Plan ("Comp Plan") be amended as follows:

- Amend Lincoln/Lancaster County Land Use Plan (F-23) and Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan (F-25) to (i) extend the Red "Commercial" designation east of S. 91st Street between the lake and Highway 2 to a line located 950 feet west of and parallel to the centerline of S. 98th Street, and (ii) extend the 100 feet wide Green "Parks and Open Space" designation along Highway 2 east of S. 91st Street through the new "Commercial" designation, all as shown on Exhibit "A" enclosed herein.

- Amend Southeast Lincoln/Highway 2 Subarea Plan ("Subarea Plan") as follows:

Amend Figure 2 Proposed Southeast Lincoln/Hwy #2 Subarea Plan to show (i) the extension of the Red "Commercial" designation east of S. 91st Street between the lake and Highway 2 to a line located 950 feet west of and parallel to the centerline of S. 98th Street, (ii) the extension of the 100 feet wide Green "Parks and Open Space" designation along Highway 2 east of S. 91st Street through the new "Commercial" designation, and (iii) the removal of the "Commercial Transitional" designation from the northwest corner of S. 91st Street and Highway 2, all as shown on Exhibit "B" enclosed herein; and

Amend the text of the Subarea Plan to reflect the expanded location of the "Center at 84th & Highway 2" shown on the revision to Figure 2.

Answer 2: The Comprehensive Plan currently shows the area located north of Highway 2, east of S. 91st Street, south of the lake, and west of S. 98th Street as "Residential, Urban". This request would change the designation of the western portion of the above area measured from S. 91st Street to a line located 950 feet west of and parallel to S. 98th Street from "Residential, Urban" to "Commercial". The additional Commercial area is divided in the Highway 2 vicinity from the property further to the east which is continuing to be shown as Residential, Urban by a ridge line, making a natural break for the change in uses along the Highway. In addition, this request would designate a 100 feet (200 feet from the Highway 2 centerline) landscaped setback along Highway 2 through the new Commercial area as "Parks and Open Space". The total area included within the requested amendment is approximately 44 acres.

The above area, together with the "Commercial" areas located between S. 84th Street and S. 91st Street, north and south of Highway 2 would comprise a total of approximately 278 acres. Eiger is not proposing to increase the number of P.M. peak hour trips generated by uses within the Center at 84th & Highway 2 beyond the number permitted in the Conditional Annexation and Zoning Agreement for S. 84th & Highway 2 ("Annexation Agreement").

The purpose of the Comp Plan amendment is to shift already approved uses around on adjoining tracts of land to provide the market with the greatest amount of flexibility in determining where to locate within the Center at 84th & Highway 2. The benefit of providing this additional flexibility to the Center at 84th & Highway 2 is that it is part of an integrated, well-planned, mixed use development that has been and will continue to be master planned to work together cohesively. One of the most important factors is that the entire road network has been master planned to accommodate the P.M. peak hour trips generated by the Center. In the past, there has been great pressure to expand commercial areas around the designated Regional Centers in our community. This has resulted in the development of commercial areas around the original Regional Center designations that are not master planned and do not work together as related developments which cause challenges for the community, particularly in the area of traffic flow.

Andermatt and Eiger are committed to providing a well planned Center that contains a true mix of land uses, including retail, office, service and residential, where viable. The Center will continue to accommodate the trail shown in the Comp Plan, which is addressed in the

Annexation Agreement. The extension of additional green space along Highway 2 east of S. 91st Street shows Andermatt and Eiger's continued commitment to helping insure an attractive entryway into our community by providing a wide landscaped entry corridor and also respecting the existing topography and tree masses along the corridor.

Answer 3: The requested amendment is not anticipated to have significant traffic impacts because of the cap on P.M. peak hour trips imposed by the Annexation Agreement. In addition, we do not anticipate large impacts on the surrounding neighborhood. The potential impacts are mitigated by the nature of the uses surrounding the new Commercial area, the partial separation to the east provided by the natural ridge line that begins at Highway 2, to the north by the lake and to the south by Highway 2 and the landscaped entry corridor along Highway 2. See Answer 2 for additional reasoning.

Answer 4: We believe the requested Comprehensive Plan amendment is consistent with the Guiding Principles from the Comprehensive Plan Vision, Guiding Principles for the Urban Environment, Summary of Comprehensive Plan Assumptions, Commercial Growth Component, General Principles for All Commercial & Industrial Uses, Commerce Centers, Regional Centers (R), Environmental Resources, Utilities, Mobility & Transportation, Parks, Recreation & Open Space, and Financial Resources. See Answer 2 for additional reasoning.

Answer 5: Heritage Builders, L.L.C. has been contacted and is supportive of the proposed amendment. We will hold a neighborhood meeting with the affected property owners prior to the Planning Commission's public hearing on the proposed Comprehensive Plan amendment.

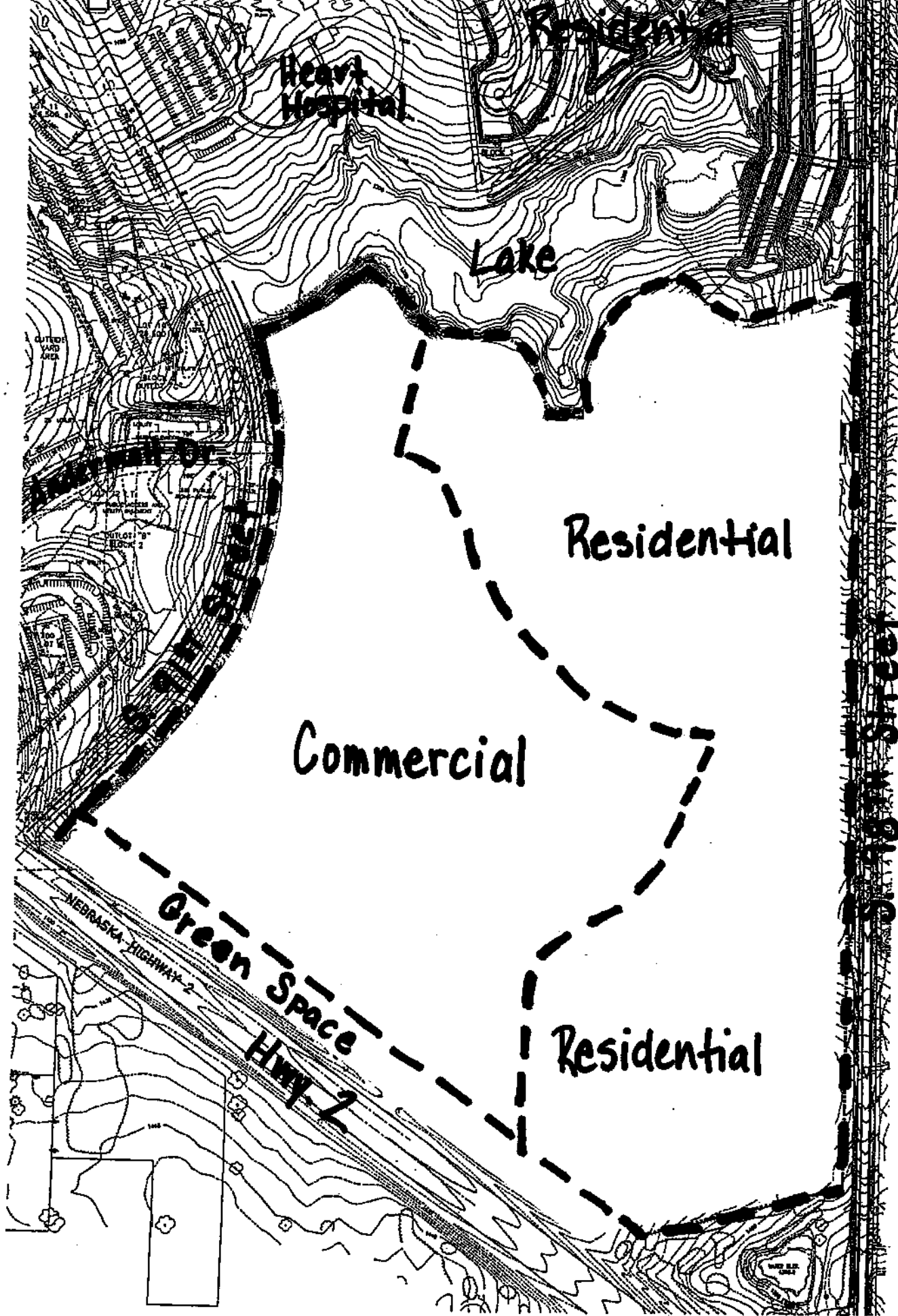
We look forward to continuing our discussions with you on the above amendment to the Comprehensive Plan.

Yours very truly,


DANAY KALKOWSKI
For the Firm

Enclosure

cc: Mayor Don Wesley
Council Member Jon Camp
Greg Sutton
Kelvin Korver
Gary Kort



April 28, 2003

Christine Kiewra
6400 S. 66th Street
Lincoln, Nebraska 68516

Dear Planning Commission and City Council Members:

I am writing on behalf of the Country Meadows Homeowners Association to express our support for the Southeast Lincoln/Highway 2 Subarea Plan as it was originally written. We do not support any of the amendments that propose changing designations from urban residential to commercial in the Subarea Plan. Our Association was opposed to the approval of commercial zoning at 70th and Highway 2 for the Willowbrook Shopping Center (including Home Depot) and we attended many public meetings, fully participating in the process to approve the Subarea Plan just two years ago.

Country Meadows residents have many concerns about additional commercial space being added along Highway 2. Our primary concern relates once again to a commercial proposal at 66th Street and Highway 2. Repeated requests to change this land from residential to commercial have been debated and defeated. Nearly 10 years ago, Shopko purchased this land and requested a commercial designation in order to build a large shopping center--not even as dense as the one currently proposed. City planning staff, the City Council, and Mayor Johanns all recognized the catastrophic effects that would have on the area and defeated the proposal. Even at that time, good planning guidelines indicated the need to keep the area residential. The staff report noted that the Trade Center was intended to be the buffer between Country Meadows and commercial development and that nearby intersections could not sustain the increased traffic. Since that time, the land remained Low-Density/AGR.

When the Highway 2 Subarea Plan was proposed just two years ago, there was yet another request to the change this property to commercial and that was defeated. Mayor Wesley went on record saying that he would veto any additional commercial development in the Subarea. City Council Chair Cook said that he wanted all future City Council members to remember the pledge not to allow any additional commercial development in the Subarea.

Country Meadows residents continue to oppose commercial development in this area for the following reasons: 1) Increased traffic on Highway 2 and South 66th Street, 2) Sufficient commercial development already approved to serve the area, 3) Increased lighting, noise, and litter, and 4) Diminished aesthetics.

Traffic

Traffic on Highway 2 is at its capacity. This is a busy city entryway and it cannot handle the additional traffic generated by yet another shopping center. The only route for Country Meadows residents to drive north, east, or west from our neighborhood is to enter Highway 2 from 66th Street. That intersection is without a stoplight or turning lane and the speed limit has recently been raised to 55 mph. These factors already make it a difficult and dangerous intersection.

South 66th Street was built as a narrow, asphalt, winding county road without street lights, curbs and gutters. It is intended as a street only for residents and it is not able to handle increased through traffic. Parking is allowed on both sides of the street and when cars are parked along it there is barely room to drive down the road. There are no sidewalks so the narrow street is also used by pedestrians and bicyclists.

A connection between South 66th Street and a commercial development would dramatically increase traffic on the street. Even having a commercial development next to the neighborhood without connections would significantly increase traffic on the street according to city planning staff.

Sufficient Commercial Development

Highway 2 is an important and beautiful entryway into Lincoln as well as a Capitol View Corridor with sufficient commercial development. Currently the largest shopping center in Lincoln is under construction at 84th and Highway 2. The Willowbrook Shopping Center is about half built at 70th and Highway 2. There are established centers at 56th and Highway 2-- Edgewood, Alamo Plaza, and the Trade Center. The Trade Center (which includes less intense commercial development) was approved as the western buffer between our neighborhood and commercial development. Any more commercial development will make Highway 2 one long strip mall.

Studies indicate south Lincoln is already over-retailed. Moreover, there is a lot of land already designated commercial that is vacant or undeveloped. These indicators show that market need is not what it is driving the requests for increased commercial designations.

Lighting, Noise, and Litter

Commercial development brings with it large lit parking lots, noise from delivery trucks and other vehicles, loud speakers, and many people. It also brings litter from fast-food restaurants and other shopping stores. These would all intrude on the quiet country feel of our neighborhood. Area residents purchased our homes knowing that we were along a highway and that we would eventually be part of the city, but we believed the Comprehensive Plan (which designated adjoining property as residential) would protect the integrity and property value of our investments.

Diminished Aesthetics

The proposed commercial development diminishes the aesthetic quality of a primary Lincoln entryway and Capitol View Corridor. Many times city leaders point to North 27th Street, Cornhusker Highway, and West O Street as examples of city entryways that have been marred by poor planning. Each of these entryways contain strip mall after strip mall rather than clustered, high-quality shopping centers. As one drives into Lincoln from the east on Highway 2, one notices commercial centers with large set backs, beautiful, low-density housing, and a bike path and green space along the Highway. Any additional commercial along Highway 2 will create the same strip mall effect as so many other city entryways.

Large scale commercial development at 66th Street and Highway 2 mars this area containing several beautiful neighborhoods including Country Meadows, Family Acres, and Southfork. The partners considering purchasing the land have indicated that commercial development will necessitate dramatically changing the topography of the land by leveling its rolling hills and clearing the trees to pave enormous parking lots.

Change of any kind often meets neighborhood resistance. Our neighborhood recognizes that change will come and that is why we initially and continually support the Subarea Plan. We would love it if the land would remain corn fields and horse barns but we know that won't happen. We supported the change from Low Density/AGR to Urban Residential in the Subarea Plan. That is the only land usage Country Meadows will support.

Respectfully submitted,

Christine Kiewra, President
Country Meadows Homeowners Association